

REMARKS

In response to the Restriction Requirement mailed October 5, 2004, Applicants hereby elect Group I, claims 1-31, drawn to an antibody and composition, classified in class 424, subclass 133.1 and class 530, subclass 387.3. Applicants have canceled claims 32 and 37-39, drawn to non-elected groups II, IV and V.

The Examiner noted in the communication (point 10, page 3) that when restricted between product and process claims and applicant elects claims directed to product, then withdrawn process claims with the same allowable limitations will be rejoined. Groups I and III are related as process of making and product made (point 4, page 2). Accordingly, Applicants have withdrawn claims 33-36 of Group III.

Applicants have added new claims 40-43, drawn to the subject matter of Group I. Support for new claim 40 can be found in the specification at, for example, the claims as filed, page 10, lines 29-30 and page 13 line 11 to page 14, line 7. Support for new claim 41 can be found in the specification at, for example, page 34, lines 7-8. Support for new claim 42 can be found in the specification at, for example, page 28, lines 14-23. Support for new claim 43 can be found in the claims as filed and in the specification at, for example, page 37, lines 10-11. No new matter has been added. With entry of this amendment, claims 1-31, 33-36 and 40-43 are pending.

Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions.

This paper is being filed timely as a request for a one month extension of time is filed concurrently herewith. No additional extensions of time are required. In the event any additional extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.


Entry of the remarks made herein is respectfully requested.

Respectfully submitted,

MILLENNIUM PHARMACEUTICALS, INC.

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By



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